IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPEAL NO.4/2003

M/s. Prashika, a Partnership
firm duly constituted under
the Partnership Act and
registered under the Registrar
of Firms, Margao, Goa,
with registered office at
Penta, Chicalim, Goa
represented herein by its
Partner, Mrs. Ester
Sankwalkar, resident of
House No.168, Penta, Chicalim, Goa. ..... Appellant.

V/s.

1. M/s. Koshy Builders
Private Limited, private limited
company with registered
office at Koshy Chambers, 'M'
Floor, Opp. KTC Bus Stand,
Vasco-da-Gama, Goa.

2. Mr. Kochu Koshy,
s/o. Shri T.K. Koshy, major in
age, r/o. Koshy Chambers,
Vasco-da-Gama, Goa. ..... Respondents.

Mr. E.O. Mendes, Advocate for the appellant.

Mr. N.N. Sardessai, Advocate for the respondents.

CORAM : P.V. HARDAS, J.

DATE : MARCH 6, 2003.

ORAL JUDGMENT :

This is an appeal against the acquittal of the respondents/accused for an offence punishable under Section 138 of the Negotiable Instruments Act. The learned Judicial Magistrate, First Class, Vasco-da-Gama, by Judgment dated 29.4.2002, in Criminal Case No.55/N/98/B, had acquitted the respondents/accused.

The complainant being aggrieved by the aforesaid Judgment has filed the present appeal.

2. After hearing the parties for sometime, the learned Counsel for the respective parties stated that the matter is likely to be compromised and had sought an adjournment. Accordingly, today the learned Counsel for the parties have filed an application requesting for compounding of the offence. The said application is taken on record and marked 'X' for the purpose of identification. As per the terms and conditions stated in the application, which has been signed by the appellant and the respondent and their respective Counsel, the respondent/accused has delivered a cheque for Rs.3,30,000/-. The appellant/complainant agrees not to encash the said cheque for a period of 90 days, so as to enable the respondent/accused to make necessary financial arrangements. The complainant and the accused are present in the Court and admit their signature and the contents of the application at 'X'.

3. By virtue of Section 147 of the Negotiable Instruments Act, the offence punishable under this Act has been made compoundable. Therefore, the application for compounding is accepted. The offence is compounded. The accused stands acquitted. Criminal Appeal is, therefore, accordingly dismissed.

P.V. HARDAS, J.